IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1923 OF 2005

The State of Maharashtra ...Applicant

Versus

Mahendra Arjundas Mangalramani ...Respondent

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Mr.V.B.Konde-Deshmukh, A.P.P. for Applicant.

None for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 29, 2005.

P.C.

1. Heard learned A.P.P.

2. This Application is for cancellation of anticipatory bail granted to the Respondent by the 6th Additional Sessions Judge, Nasik dated 5th November 2004.

3. The Court below has analysed the evidence on record and has observed that except the bare statement of the co-accused, there is nothing to

indicate the complicity of the Applicant in the commission of the offence. That opinion is a possible view taken on the basis of the material on record.

4. Learned A.P.P. is not in a position to dispute the correctness of the said finding reached. If it is so, no case for interference is made out.

5. Learned A.P.P., however, contends that Respondent is not co-operating for the purpose of investigation and has not made himself available for that purpose. No such allegation is found in the Application filed before this Court that the Respondent has not appeared before the Investigating Officer inspite of intimation given to him in that behalf. That being condition on which anticipatory bail is granted by the lower Court, the Respondent is obliged to comply with the said requirement. In case, during the course of investigation, it appears to the Investigating Officer that the Respondent has not remained present inspite of intimation given to him in that

behalf for interrogation in connection with the alleged offence, that can be ground for cancellation of bail, if established.

6. Application disposed of with the above observations.

A.M.KHANWILKAR, J.